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January 16, 2009

The Honorable Charles Terreni
Chief Clerk of the Commission
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

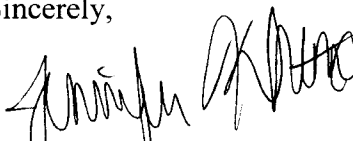
Re: Phillip a. Ollar v. BellSouth Telecommunications, Incorporated d/b/a AT&T
South Carolina
Docket No.: 2008-444-C

Dear Mr. Terreni:

Enclosed for filing is AT&T South Carolina's Motion to Dismiss in the above-referenced matter.

By copy of this letter, I am serving all parties of record with a copy of this response as indicated on the attached Certificate of Service.

Sincerely,



Jennifer K. Stone

JKS/nml

Enclosure

cc: All Parties of Record

DM5 #726158

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2008-444-C

IN RE:)
)
Phillip A. Ollar,)
Complainant/Petitioner,)
)
v.)
)
BellSouth Telecommunications, Inc.)
d/b/a AT&T South Carolina,)
)
<u>Defendant/Respondent.</u>)

AT&T SOUTH CAROLINA’S MOTION TO DISMISS

Defendant/Respondent BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (“AT&T South Carolina”) believes that it has resolved all of the issues contained in Complainant/Petitioner Phillip A. Ollar’s letter dated December 3, 2008 (hereinafter “Complaint”) to the South Carolina Public Service Commission (“the Commission”). AT&T South Carolina is working with Mr. Ollar to memorialize this resolution in writing, and based on conversations with Mr. Ollar, AT&T South Carolina believes that Mr. Ollar is satisfied with the agreement reached verbally between the two parties. When the parties finalize their resolution in writing, AT&T South Carolina will submit the written agreement to the Commission and request that the Commission close the Docket.

In the meantime, in an abundance of caution and solely to avoid any argument that AT&T South Carolina is in default, AT&T South Carolina respectfully submits this Motion to Dismiss based on the grounds that the Commission has limited jurisdiction

over Mr. Ollar's claims and that the Complaint is not signed by an attorney authorized to practice in South Carolina. Again, this Motion is designed solely to protect AT&T South Carolina's procedural rights and is not in any way an attempt to alter or undo the resolution AT&T South Carolina believes has been reached by the parties.

In his Complaint, Mr. Ollar alleges that AT&T South Carolina wrongfully charged his business, VPO Services, Inc., an early termination fee pursuant to a BellSouth Key Customer Program Subscriber plan ("Key Customer Plan"). The Key Customer Plan is a "contract offering" under South Carolina law.¹ While the Commission has the authority to enforce the terms and conditions of a contract offering, the Commission cannot regulate a contract offering in South Carolina.² The terms and conditions of the Key Customer Plan are included in the Key Customer Plan contract. Therefore, AT&T South Carolina respectfully submits that under South Carolina law the Commission is limited to enforcing the terms and conditions of the contract.

In addition, Mr. Ollar must be represented by an attorney in this Docket because he has filed his complaint on behalf of his corporation, VPO Services, Inc. The Commission's Rules of Practice and Procedure allow an individual to represent himself or herself in an individual capacity in proceedings before the Commission.³ Under these Rules, however, only an attorney authorized to practice law in South Carolina is allowed to represent a corporation such as VPO Services, Inc. in proceedings before the Commission.⁴ VPO Services, Inc. is not represented by an attorney – instead, the

¹ See S.C. Code § 58-9-285 (A)(2).

² See S.C. Code § 58-9-285 (B).

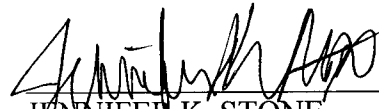
³ S.C. Code Regs. §103-804T.

⁴ *Id.*

Complaint was signed by Mr. Ollar who, upon information and belief, is not an attorney authorized to practice law in South Carolina.

For the reasons stated above, AT&T South Carolina respectfully requests that the Commission dismiss the Complaint in this Docket.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jennifer K. Stone', is written over a horizontal line.

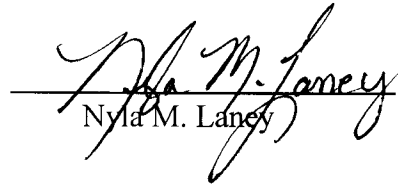
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ATTORNEY FOR RESPONDENT
AT&T SOUTH CAROLINA

Columbia, South Carolina
Dated: January 16, 2009

727708

Phillip A. Ollar
VPO Services, Incorporated
456 Pimlico Road
Greenville, South Carolina 29607
(Certified Mail)


Nyla M. Laney

DM5 #726155